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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**
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6 ROBERT DRYE, et al.,
7

8 Plaintiffs,
9

10 v.
11 GLATFELTER CLAIMS MANAGEMENT,
12 INC., et al.,
13 Defendants.

Case No. 2:23-cv-00943-RFB-NJK

Order

[Docket No. 17]

12
13 Pending before the Court is the parties' stipulation to stay discovery pending resolution of
14 Defendant Glatfelter Claims Management, Inc.'s motion to dismiss. Docket No. 17. *See also*
15 Docket No. 9 (motion to dismiss).

16 The Court has broad discretionary power to control discovery. *See, e.g., Little v. City of*
17 *Seattle*, 863 F.2d 681, 685 (9th Cir. 1988). "The Federal Rules of Civil Procedure do not provide
18 for automatic or blanket stays of discovery when a potentially dispositive motion is pending."
19 *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). Discovery should proceed
20 absent a "strong showing" to the contrary. *Turner Broadcasting Sys., Inc. v. Tracinda Corp.*, 175
21 F.R.D. 554, 556 (D. Nev. 1997). The case law in this District makes clear that requests to stay
22 discovery may be granted when: (1) the underlying motion is potentially dispositive in scope and
23 effect; (2) the underlying motion can be decided without additional discovery; and (3) the Court
24 has taken a "preliminary peek" at the merits of the underlying motion and is convinced that the
25 plaintiff will be unable to prevail. *Kor Media Grp., LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev.
26 2013). The Court is guided in its analysis by the objectives in Rule 1 to secure a just, speedy, and
27 inexpensive determination of cases. *Tradebay*, 278 F.R.D. at 602.

1 A stay of discovery is warranted in this case. The parties agree that the pending motion to
2 dismiss is potentially case dispositive and that it can be resolved without additional discovery.
3 Docket No. 17 at 3. *See also* Docket No. 9 (motion to dismiss). Additionally, the undersigned's
4 evaluation of the motion to dismiss reveals that it is sufficiently meritorious to justify a stay of
5 discovery.¹

6 Accordingly, the stipulation to stay discovery is **GRANTED**. Docket No. 17. In the event
7 resolution of the motion to dismiss does not result in the termination of this case, a joint proposed
8 discovery plan must be filed no later than 14 days after the issuance of the order resolving the
9 motion to dismiss at Docket No. 9.

10 IT IS SO ORDERED.

11 Dated: July 31, 2023

12 
13 Nancy J. Koppe
14 United States Magistrate Judge

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¹ Conducting this preliminary peek puts the undersigned in an awkward position because the
26 assigned district judge who will decide the underlying motion may have a different view of its
27 merits. *See Tradebay*, 278 F.R.D. at 603. This "preliminary peek" at the merits of the underlying
28 motion is not intended to prejudice its outcome. *See id.* As a result, the undersigned will not
provide a lengthy discussion of the merits of the underlying motion. Nonetheless, the undersigned
has carefully reviewed the arguments presented in the underlying motion.